



General Assembly

**Substitute Bill No. 41**

February Session, 2006

\* SB00041PD 031706 \*

**AN ACT CONCERNING MUNICIPAL PLANS OF CONSERVATION AND DEVELOPMENT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-23 of the 2006 supplement to the general statutes  
2 is repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2006*):

4 (a) (1) At least once every ten years, the commission shall prepare or  
5 amend and shall adopt a plan of conservation and development for the  
6 municipality. Following adoption, the commission shall regularly  
7 review and maintain such plan. The commission may adopt such  
8 geographical, functional or other amendments to the plan or parts of  
9 the plan, in accordance with the provisions of this section, as it deems  
10 necessary. The commission may, at any time, prepare, amend and  
11 adopt plans for the redevelopment and improvement of districts or  
12 neighborhoods which, in its judgment, contain special problems or  
13 opportunities or show a trend toward lower land values.

14 (2) If a plan is not amended decennially, the chief elected official of  
15 the municipality shall submit a letter to the Secretary of the Office of  
16 Policy and Management and the Commissioners of Transportation,  
17 Environmental Protection and Economic and Community  
18 Development that explains why such plan was not amended. Until the  
19 plan is amended in accordance with this subsection, a copy of such

20 letter shall be included in each application by the municipality for  
21 funding for the conservation or development of real property  
22 submitted to said secretary or commissioners.

23 (b) In the preparation of such plan, the commission may appoint  
24 one or more special committees to develop and make  
25 recommendations for the plan. The membership of any special  
26 committee may include: Residents of the municipality and  
27 representatives of local boards dealing with zoning, inland wetlands,  
28 conservation, recreation, education, public works, finance,  
29 redevelopment, general government and other municipal functions. In  
30 performing its duties under this section, the commission or any special  
31 committee may accept information from any source or solicit input  
32 from any organization or individual. The commission or any special  
33 committee may hold public informational meetings or organize other  
34 activities to inform residents about the process of preparing the plan.

35 (c) In preparing such plan, the commission or any special committee  
36 shall consider the following: (1) The community development action  
37 plan of the municipality, if any, (2) the need for affordable housing, (3)  
38 the need for protection of existing and potential public surface and  
39 ground drinking water supplies, (4) the use of cluster development  
40 and other development patterns to the extent consistent with soil  
41 types, terrain and infrastructure capacity within the municipality, (5)  
42 the state plan of conservation and development adopted pursuant to  
43 chapter 297, (6) the regional plan of development adopted pursuant to  
44 section 8-35a, as amended, (7) physical, social, economic and  
45 governmental conditions and trends, (8) the needs of the municipality  
46 including, but not limited to, human resources, education, health,  
47 housing, recreation, social services, public utilities, public protection,  
48 transportation and circulation and cultural and interpersonal  
49 communications, (9) the objectives of energy-efficient patterns of  
50 development, the use of solar and other renewable forms of energy  
51 and energy conservation, and (10) protection and preservation of  
52 agriculture.

53 (d) (1) Such plan of conservation and development shall (A) be a  
54 statement of policies, goals and standards for the physical and  
55 economic development of the municipality, (B) provide for a system of  
56 principal thoroughfares, parkways, bridges, streets, sidewalks,  
57 multipurpose trails and other public ways as appropriate, (C) be  
58 designed to promote, with the greatest efficiency and economy, the  
59 coordinated development of the municipality and the general welfare  
60 and prosperity of its people and identify areas where it is feasible and  
61 prudent (i) to have compact, transit accessible, pedestrian-oriented  
62 mixed use development patterns and land reuse, and (ii) to promote  
63 such development patterns and land reuse, (D) recommend the most  
64 desirable use of land within the municipality for residential,  
65 recreational, commercial, industrial, conservation and other purposes  
66 and include a map showing such proposed land uses, (E) recommend  
67 the most desirable density of population in the several parts of the  
68 municipality, (F) note any inconsistencies with the following growth  
69 management principles: (i) Redevelopment and revitalization of  
70 commercial centers and areas of mixed land uses with existing or  
71 planned physical infrastructure; (ii) expansion of housing  
72 opportunities and design choices to accommodate a variety of  
73 household types and needs; (iii) concentration of development around  
74 transportation nodes and along major transportation corridors to  
75 support the viability of transportation options and land reuse; (iv)  
76 conservation and restoration of the natural environment, cultural and  
77 historical resources and existing farmlands; (v) protection of  
78 environmental assets critical to public health and safety; and (vi)  
79 integration of planning across all levels of government to address  
80 issues on a local, regional and state-wide basis, (G) make provision for  
81 the development of housing opportunities, including opportunities for  
82 multifamily dwellings, consistent with soil types, terrain and  
83 infrastructure capacity, for all residents of the municipality and the  
84 planning region in which the municipality is located, as designated by  
85 the Secretary of the Office of Policy and Management under section  
86 16a-4a, (H) promote housing choice and economic diversity in  
87 housing, including housing for both low and moderate income

88 households, and encourage the development of housing which will  
89 meet the housing needs identified in the housing plan prepared  
90 pursuant to section 8-37t and in the housing component and the other  
91 components of the state plan of conservation and development  
92 prepared pursuant to chapter 297. In preparing such plan the  
93 commission shall consider focusing development and revitalization in  
94 areas with existing or planned physical infrastructure.

95 (2) For any municipality that is contiguous to Long Island Sound,  
96 such plan shall be (A) consistent with the municipal coastal program  
97 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with  
98 reasonable consideration for restoration and protection of the  
99 ecosystem and habitat of Long Island Sound, and (C) designed to  
100 reduce hypoxia, pathogens, toxic contaminants and floatable debris in  
101 Long Island Sound.

102 (e) Such plan may show the commission's and any special  
103 committee's recommendation for (1) conservation and preservation of  
104 traprock and other ridgelines, (2) airports, parks, playgrounds and  
105 other public grounds, (3) the general location, relocation and  
106 improvement of schools and other public buildings, (4) the general  
107 location and extent of public utilities and terminals, whether publicly  
108 or privately owned, for water, sewerage, light, power, transit and other  
109 purposes, (5) the extent and location of public housing projects, (6)  
110 programs for the implementation of the plan, including (A) a schedule,  
111 (B) a budget for public capital projects, (C) a program for enactment  
112 and enforcement of zoning and subdivision controls, building and  
113 housing codes and safety regulations, (D) plans for implementation of  
114 affordable housing, (E) plans for open space acquisition and  
115 greenways protection and development, and (F) plans for corridor  
116 management areas along limited access highways or rail lines,  
117 designated under section 16a-27, as amended, (7) proposed priority  
118 funding areas, and (8) any other recommendations as will, in the  
119 commission's or any special committee's judgment, be beneficial to the  
120 municipality. The plan may include any necessary and related maps,  
121 explanatory material, photographs, charts or other pertinent data and

122 information relative to the past, present and future trends of the  
123 municipality.

124 (f) (1) A plan of conservation and development or any part thereof  
125 or amendment thereto prepared by the commission or any special  
126 committee shall be reviewed, and may be amended, by the  
127 commission prior to scheduling at least one public hearing on  
128 adoption.

129 (2) At least sixty-five days prior to the public hearing on adoption,  
130 the commission shall submit a copy of such plan or part thereof or  
131 amendment thereto for review and comment to the legislative body or,  
132 in the case of a municipality for which the legislative body of the  
133 municipality is a town meeting or representative town meeting, to the  
134 board of selectmen. The legislative body or board of selectmen may  
135 hold one or more public hearings on the plan and may submit  
136 comments to the commission prior to the public hearing on adoption.  
137 The commission may render a decision on the plan without the report  
138 of such body or board.

139 (3) At least thirty-five days prior to the public hearing on adoption,  
140 the commission shall post the plan on the Internet web site of the  
141 municipality, if any.

142 (4) At least [thirty-five] sixty-five days prior to the public hearing on  
143 adoption, the commission shall [post the draft plan on the Internet web  
144 site of the municipality, if any, and] submit a copy of such [draft] plan  
145 or part thereof or amendment thereto to the regional planning agency  
146 for review and comment. The regional planning agency shall submit  
147 an advisory report along with its comments to the commission at or  
148 before the hearing. Such comments shall include a finding on the  
149 consistency of the [draft] plan with [(1)] (A) the regional plan of  
150 development, adopted under section 8-35a, as amended, [(2)] (B) the  
151 state plan of conservation and development, adopted pursuant to  
152 chapter 297, and [(3)] (C) the plans of conservation and development of  
153 other municipalities in the area of operation of the regional planning

154 agency. [The commission may revise the draft plan in accordance with  
155 the report of the regional planning agency.] The commission may  
156 render a decision on the plan without the report of the regional  
157 planning agency.

158     (5) [Prior] At least thirty-five days prior to the public hearing on  
159 adoption, the commission shall file in the office of the town clerk a  
160 copy of such [draft] plan or part thereof or amendment thereto but, in  
161 the case of a district commission, such commission shall file such  
162 information in the offices of both the district clerk and the town clerk.

163     (6) The commission shall cause to be published in a newspaper  
164 having a general circulation in the municipality, at least twice at  
165 intervals of not less than two days, the first not more than fifteen days,  
166 or less than ten days, and the last not less than two days prior to the  
167 date of each such hearing, notice of the time and place of any such  
168 public hearing. Such notice shall make reference to the filing of such  
169 draft plan in the office of the town clerk, or both the district clerk and  
170 the town clerk, as the case may be. [After completion of the public  
171 hearing, the commission may revise the draft plan. The proposed final  
172 plan shall be submitted to the legislative body for its endorsement. The  
173 legislative body shall endorse or reject the entire proposed final plan or  
174 parts thereof and may submit comments and recommended changes to  
175 the commission. In the case of a municipality in which the legislative  
176 body is a town meeting, the proposed final plan shall be submitted to  
177 the board of selectmen. The board may conduct a public hearing on  
178 such plan. Not more than forty-five days after receipt of the plan by  
179 the board of selectmen, the entire proposed final plan or parts thereof  
180 may be endorsed or rejected at a town meeting and such town meeting  
181 may submit comments and recommended changes to the commission.]

182     (g) [The] (1) After completion of the public hearing, the commission  
183 may revise the plan and may adopt the plan or any part thereof or  
184 amendment thereto by a single resolution or may, by successive  
185 resolutions, adopt parts of the plan and amendments thereto.

186       (2) Any plan, section of a plan or recommendation in the plan [ ]  
187       that is not endorsed by the legislative body or board of selectmen of  
188       the municipality may only be adopted by the commission by a vote of  
189       not less than two-thirds of all the members of the commission.

190       (3) Upon adoption by the commission, any plan or part thereof or  
191       amendment thereto shall become effective at a time established by the  
192       commission, provided notice thereof shall be published in a  
193       newspaper having a general circulation in the municipality prior to  
194       such effective date.

195       (4) [Any] Not more than thirty days after adoption, any plan or part  
196       thereof or amendment thereto shall be posted on the Internet web site  
197       of the municipality, if any, and shall be filed in the office of the town  
198       clerk, except that, if it is a district plan or amendment, it shall be filed  
199       in the offices of both the district and town clerks.

200       (5) [The] Not more than sixty days after adoption of the plan, the  
201       commission shall notify the Secretary of the Office of Policy and  
202       Management of any inconsistency between the plan adopted by the  
203       commission and the state plan of conservation and development and  
204       the reasons therefor.

205       (h) Any owner or tenant, or authorized agent of such owner or  
206       tenant, of real property or buildings thereon located in the  
207       municipality may submit a proposal to the commission requesting a  
208       change to the plan of conservation and development. Such proposal  
209       shall be submitted in writing and on a form prescribed by the  
210       commission. Notwithstanding the provisions of subsection (a) of  
211       section 8-7d, the commission shall [determine if a public hearing shall  
212       be held on the proposal not less than thirty-five days after submission  
213       of such proposal. The commission shall hold a public hearing on such  
214       proposal if it determines that such hearing is in the public interest.  
215       Except as provided in this section, any public hearing and decision  
216       shall be in accordance with the periods of time permitted under section  
217       8-7d. The commission shall approve, deny or modify the proposal.

218 Notwithstanding the provisions of this section, if the commission  
219 determines, at any time after the proposal is received, that such  
220 proposal would require changes to the plan of conservation and  
221 development that would be a significant change to the policies and  
222 goals of the plan of conservation and development, the commission  
223 shall consider] review and may approve, modify and approve or reject  
224 the proposal in accordance with the provisions of subsection (f) of this  
225 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	8-23

**PD**      *Joint Favorable Subst.*